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VOL. V—NO. 18.

PROVO CITY, UTAH, WEDNESDAY, MARCH 25, 1891.

PRICE FIVE CENTS.

BEFORE JUDGE BLACKBURN

Jack Chew Acquitted of Horse Stealing.

Rans P. Johnson Tried For Passing Canceled Checks at Richfield.

But He Is Acquitted After a Thorough and Vigorous Prosecution.

MONDAY.

Court resumed session at 10 o'clock. The arguments in the case of the People vs. John Chew et al. were continued, and the case submitted to the jury.

The case of the People vs. Rans P. Johnson, for passing canceled checks and fraudulently obtaining goods in consequence, was called up for trial. John Zane appeared for the prosecution and Mr. McCarty for the defense.

Mr. J. D. Reynolds, the first witness, testified: I live at Springville; know defendant; saw him on the 12th of November, 1890, about 7 o'clock in the evening; he came into the store and wanted a suit of clothes; he said he had a check and said I could cash it; he could not take the clothes; I called my son, and after looking at the check he cashed it; the check called for \$100; he took the clothes and the balance of the check in cash and went away.

To Mr. McCarty—The defendant had a small mustache when he came into the store; it was nearly dark at the time he bought the clothing; he bought a full suit.

Arthur W. Reynolds, son of the last witness, testified he had cashed a check for defendant (the check was here produced in evidence, which witness identified).

To Mr. McCarty—I recognize defendant as the man for whom I cashed the check; he had more of a mustache then than he has at present; met him at the sheriff's office afterwards; did not say at that time I was not sure that he was the man; I gave him a R. G. W. R'y check for \$50, and the rest of the change in cash, in all about \$80; when I found it was a canceled check I telephoned the bank about it.

H. J. Maiben, I am connected with the firm of Payne & Maiben; recognize this check as one I drew on the First National Bank for the S. E. Nevada Lumber Co.; when checks are returned to me I keep them on my table in a box; when I saw it was a canceled check I telephoned the bank about it.

C. A. Glazier, I am assistant cashier of the First National Bank; in the fall of last year we were using a round stamp for our cancellation (on the check being produced he said the stamp had been defaced); when the check was presented the second time I looked the books up and found the check had been paid once; and I immediately telephoned Mr. Reynolds, that the check was a fraud.

Mads Christensen, I live in Richfield; am clerking in a store there; know defendant. [A check was here produced which witness identified as one which had been presented at the store in Richfield.]

To Mr. McCarty—The sheriff of Richfield arrested defendant; he did not deny having passed the check.

To Mr. Varian—We cashed the check for its face value; I suspected it was a bad check when I saw it, and I telegraphed to H. J. Maiben and found it was not any good. I received \$34 of the money back again.

The prosecution rested and court took a recess until 2 o'clock.

AFTERNOON.

When court resumed session at 2 o'clock, the jury in the case of the People vs. John Chew et al. wherein defendants were charged with horse stealing, returned a verdict of not guilty.

In the case of Catherine Quanberg vs. John Quanberg, the constable at Scipio was ordered to serve summons.

The case of the People vs. Rans Johnson was continued.

Rans P. Johnson, defendant, testified: I am 23 years of age; was at Salt Lake in November, and not at Springville; did not pass a check at Reynolds' store. Left Salt Lake in November; went to Moroni; bought a suit of clothes in a store there; from Moroni I went to Manti. [Another check was produced, which witness identified as one he once owned.] I got that check in Manti from a gentleman who asked me in a saloon if I could change a \$40 check; I told him I could; we went to the post office, and he signed the check and I gave him the money. I left Manti a few days afterwards; went to Salina and then to Richfield; went into the Workingman's store and bought a pair of overalls; gave the check in exchange; I got cash for the balance; went to Moroni afterwards; was arrested there and taken back to Richfield.

To Zane: Was with Burton's circus at Salina; went to Glenwood, Richfield, Moroni and other places; came back to Salt Lake city; went south because I had relations there; my intention was to work on the Rio Grande Western Railroad; don't know the man's name for whom I cashed the check at Manti; I supposed the check was all right.

Andrew Anderson, Live at Moroni; was there in November; was working in a store there; saw defendant and sold him a suit of clothes; don't know what worth it was; it was in the fall.

The Olson, postmaster at Manti, said defendant and another man came to be postoffice and asked for a pen and ink; saw the other man use the pen; don't know who he was.

Jeppa Nielsen, John Loe and Thos. Jones testified defendant had no mustache.

J. D. Reynolds was recalled and stated that when defendant came to the store he asked him his name and he said Ranson Johnson.

Reynolds, son of the previous witness, corroborated his father's testimony.

This concluded the testimony and the case was submitted to the jury without argument.

The case of Caroline F. Bromley vs. R. G. W. R'y Co., on appeal from the justice's court in Springville, was called and a jury impaneled.

Mr. King appeared for plaintiff and Mr. Tolson for the defendant.

This is an action brought by the plaintiff to recover damages for the loss of a cow, killed by a R. G. W. freight train.

Mrs. Caroline F. Bromley, the plaintiff, testified that on the morning in question the cow was sent to the pasture as usual, but did not return; it was killed by a R. G. W. train; the cow was worth \$45.

Gus Houtz testified he had seen the train strike the cow, and helped to pull her out of the ditch, into which the engine threw her.

Leo Whitehead had seen the train strike the cow, as also did other witnesses.

The jury, in the case of the People vs. Rans P. Johnson, came into court with a verdict of not guilty.

The Bromley case was then resumed. John Kutz testified: I am a locomotive engineer; was pulling a freight train out of Springville on the afternoon of the day of the question; blew the whistle three times in the streets of that city; when I saw the cattle on the track I blew the cattle alarm; which is a succession of short blasts; there was no cattle on the track when I neared the crossing; the cow was standing about twenty feet from the track; and it made a rush to cross in front of the engine and was struck before I could stop my train; I threw the air on, which put on every brake; I had about 60 or 70 pounds of air.

To Mr. King—An engineer is not censured by the company when cattle are killed; the cow was about thirty feet from the track when I saw her; my engine was about twenty feet from the point where I struck her; when I saw her standing by the fence.

To the jury—My train was going about fifteen miles an hour.

Other witnesses were examined to show that no fault or carelessness on the part of the employees of the company caused the affair.

The case was submitted to the jury with permission to return a sealed verdict.

Court adjourned until 9:30 o'clock Tuesday morning.

TUESDAY.

At half past 9 o'clock a. m. the case of Walter Scott vs. Thomas E. Thurman, a friendly suit to determine which of the two is watermaster of Provo city, was called up. Mr. King appeared for the plaintiff and Mr. Milner for defendant.

Mr. Thurman, the defendant, claimed that the city council appointed him watermaster in March, 1890, for two years, and that said body acted illegally in appointing the plaintiff to the office of watermaster in March, 1891. It appears, however, that Mr. Thurman only gave bonds and took the oath of office for one year, and the statute of Utah in regard to municipal corporations gives the city council power to appoint officers for a term of two years, but reserves the right to remove them at any time.

The argument of the attorney for the plaintiff was that the defendant was a de facto officer of Provo city.

Mr. Milner, the defendant's attorney contended that the city council did not have the right to appoint a successor to the defendant, as the term of office was fixed by the amended charter of the city.

In his honor, in rendering his opinion, said the statute provided that the city council had the power to appoint an officer for the unexpired term, and the appointment of one meant the removal of the other, therefore the appointment of Walter Scott, the plaintiff, was perfectly legal, and the supreme court of the United States had also decided that the appointment of one official was the removal of the other.

The jury in the case of Charles F. Bromley vs. R. G. W. R'y returned a verdict for the plaintiff of \$45 and costs, the loss of her cow killed by a train owned by said company.

The case of Thomas Broadbent vs. Monroe Irrigation Company, appealed from Elsinore precinct, was then called up. Mr. King appeared for the plaintiff, and Mr. McCarty for the defendant.

In this case the plaintiff sues for \$299, damages sustained by the overflowing of the canal owned by the defendants, thereby washing from three inches to two feet in depth of gravel on two acres of his land and also destroying the grain on eight acres more.

Witnesses were examined on both sides.

Court took a recess until 1:30 o'clock. TUESDAY AFTERNOON.

At 1:30 o'clock court resumed session. The case of Broadbent vs. Monroe Irrigation Co. was continued.

Andrew Anderson, M. C. Hansen, Andrew Nielsen, natives of Denmark and residents of Sanpete county, and Chas. J. Nelson, a native of Norway, and a resident of Millard county, were admitted to citizenship.

Court adjourned until 10 o'clock Wednesday morning.

WEDNESDAY.

Court resumed session at 10 o'clock. The case of Thos. Broadbent vs. Monroe Irrigation Co., was argued and submitted to the jury, who returned a verdict of damages to the amount of \$50 for the plaintiff.

Court adjourned until 10 o'clock Thursday morning.

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Court adjourned until 10 o'clock Thursday morning.

WEDNESDAY.

GEN. D. H. WELLS DEAD.

A Useful Life of Seventy-Seven Years.

A Brief Review of a Noble Pioneer's Life and Devoted Labors.

The Date of the Funeral as Yet Not Decided Upon.

Yesterday afternoon the sad news of the demise of General Daniel H. Wells reached this city. He was ailing for about two weeks before death overtook him, which occurred at 1 p. m., March 24. It is a grievous bereavement to his family and a cause for general sorrow throughout the territory.

Daniel Hamner Wells was born at Trenton, Oneida county, New York, October 27, 1814; he was consequently in his seventy-seventh year when he died. When quite a young man he moved to Illinois and lived at Commerce, which was afterwards known as Nauvoo. Here he became intimate with the Prophet Joseph Smith, whom he greatly admired. In the persecution that came with the martyrdom of the Prophet, Squire Wells, as he was called, cast in his lot with the afflicted Mormons, joined the church, took a prominent part in the defence of Nauvoo and followed the people to Winter Quarters. After returning to Nauvoo to settle up his affairs he came to Utah, reaching this place in 1848, and has ever since occupied a prominent place in the affairs of the territory and in the hearts of the people.

Like Joseph Smith, the prophet, he was first a Whig and afterwards a staunch Republican in politics. He fulfilled a mission to Europe from 1855 to 1857, presiding over the church on that continent during that time. He was possessed of a love of fairness of human rights, which caused him to lean to the "Mormon" side of the controversy in the earliest years of the church, until finally he forsook all and cast his lot with the despised "Mormons."

He was for many years second counselor to President Brigham Young and at his decease was made a counselor to the Twelve Apostles. When the Manti temple was completed he was appointed to take charge as president of the temple, which position he held until his death.

As superintendent of public works, as a military officer, as mayor of Salt Lake city, as a member of the Legislature, and as an ecclesiastical officer he was eminently successful and won the respect and affection of all with whom he came in contact.

The census has at last been completed. Chicago is now the second city in the Union. In 1880 she had but 505,000 and Philadelphia 846,000. Only ten years shows Chicago with 1,098,000, a gain of over half a million; while Philadelphia has 1,046,000 a gain of but 200,000. It looks now as though New York would soon be playing second fiddle to Chicago as well. In 1880 New York had 1,206,000 and now she has 1,513,000, or a gain of a little over 300,000. The South is also shown to be waking up. Atlanta, with 34,000 in 1880 now has 65,500, nearly doubling the population. Birmingham, Ala., with less than 10,000, in 1880, now has 26,000. San Francisco's increase has been a little disappointing, but she has passed Cincinnati in the race in a handsome manner and is now 381, pretty far behind Baltimore with her 433,000.

The Atlas publishers will reap a harvest this year, as the census statistics and new maps, etc., causes an immense boom in the business. We take the above figures from the Standard Atlas of the World, which will in all probability sell by thousands, as it is one of the most complete and accurate works of the kind we have ever seen.

It is safe to say that the first agent in the field will fairly coin money, as we all want the new census statistics and the new features in this Atlas which commends it to everybody. The History Company of San Francisco, the well known Publishers, control the Copyrights. They want agents, and we call attention to their advertisement in another column.

ARBOR DAY.

Official Notice Given the Trustees of Utah County Regarding the Day.

The following circular letter regarding Arbor Day has been sent to the several school districts of the county by Superintendent Wilson:

PROVO CITY, March 23, 1891.

To the Trustees of Provo School District.

GENTLEMEN:—Directing your attention to section fifty (50) of the school law, which requires the planting out of shade trees on the school grounds and makes it my duty to see that the requirement is complied with.

I wish to suggest that some action should be taken in the premises at once, unless you have already filled the law.

The Utah County Teachers' Association at a meeting held on the 14th inst. unanimously resolved to recommend that Friday the 10th of April, be observed by all the schools of the county as Arbor Day, and that such exercises be connected with the planting of trees as may seem proper in each district.

I commend this to you as a proper step, and ask you to make that a holiday for the purpose intended.

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By thus securing the co-operation of teachers and pupils, your hands will be mightily strengthened in carrying out the behests of the law in the following a beautiful and profitable custom.

E. A. WILSON, Co. Supt. Schools.

In the police court yesterday James Fitzgerald was arraigned on a charge of disturbing the peace of one Wm. Stewart, of this city. He entered a plea of not guilty, but from the evidence of the complaining witness and others who were examined it was clearly proven that he had called the young man some very bad names, such as a "lying, thieving—of a b—h."

The judge found him guilty, and sentence was set for Wednesday morning, when he was called upon to pay a fine of \$10.

The Salt Lake newspaper men turned out en masse Sunday night at St. Paul's to listen to a sermon by Rev. M. M. Lane, prepared expressly for the members of the press gang. Just as that worthy gentleman was about to begin his discourse, the floor in the center of the church fell with a crash a distance of two or three feet. A panic nearly ensued, but order was soon restored and the congregation dispersed quietly. A rush was avoided, and very fortunately no one was hurt.

The cause for the sinking of the floor was the breaking of a beam, resulting, some of the boys said, from the weight of brain, supposed to have been carried to the church by the newspaper men present.

The "Heart of the Rockies," published by the passenger department of the Rio Grande Western Railway, is probably one of the finest works of the kind published. It not only gives a description in minute detail of all the points of interest traversed during the journey over the "Scenic Route," but the wonderful weird scenery is fully described, aided by some elegant cuts. No matter what information is required, either by the tourist, sportsman, pleasure or home seeker, it is to be found in the "Heart of the Rockies."

The connections with other lines are plainly given, also all the hotels on the route, with rates, accommodations and location. A complete list of all stations reached from Denver to California, with the number of miles from prominent stations are detailed, in connection with other prominent features. The traveler may also inform himself as to fares, baggage, or in fact anything required on a journey. Call at THE DISPATCH office and get a copy free.

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